

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14, 16, and 17 are presently pending in this case. Claims 1, 13, 14, and 17 are amended by the present amendment. As amended Claims 1, 13, 14, and 17 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Official Action, Claim 14 was rejected under 35 U.S.C. §112, first paragraph; Claims 1-14, 16, and 17 were rejected under 35 U.S.C. §112, second paragraph; Claims 1-3, 13, 14, 16, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito et al. (U.S. Patent Application Publication No. 20010018685, hereinafter “Saito”) in view of Hane et al. (U.S. Patent Application Publication No. 20020157096, hereinafter “Hane”) and further in view of Kurapati (U.S. Patent No. 7,581,237); and Claims 4-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Hane and further in view of Kurapati and Platt (U.S. Patent No. 6,987,221).

With regard to rejection of Claim 14 under 35 U.S.C. §112, first paragraph, Claim 14 is amended to recite “a computer readable recording medium,” as interpreted in the outstanding Office Action. Accordingly, Claim 14 is in compliance with all requirements under 35 U.S.C. §112, first paragraph.

With regard to rejection of Claims 1-14, 16, and 17 under 35 U.S.C. §112, second paragraph, that rejection is respectfully traversed. At pages 3 and 4, the outstanding Office Action asserted that there are first and second generating means recited in Claim 1. However, Claim 1 recites only a single generating means, namely “generating means for generating user preference information indicating preferences of a user based on the use frequency calculated by said calculating means, *said* generating means generating user

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<sup>1</sup>See, e.g., paragraphs 78-81 of the publication of the specification.

preference information based on a normalized use frequency for each group.” Accordingly, Claims 1-14, 16, and 17 are in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claim 1 as unpatentable over Saito in view of Hane and further in view of Kurapati, that rejection is respectfully traversed.

Claim 1 recites in part:

generating means for generating user preference information indicating preferences of a user based on the use frequency calculated by said calculating means, said generating means generating user preference information based on a normalized use frequency for each group, *said normalized use frequency normalized by dividing each use frequency of each contents in each respective group by a number of all the contents in the respective group delivered during a time period corresponding to a use history.*

The outstanding Office Action conceded that Saito and Hane do not teach generating user preference information based on a normalized use frequency, and cited Kurapati as describing this feature.<sup>2</sup> Kurapati describes a system that keeps track of attributes used in a search. Kurapati increments a counter each time a particular attribute is included in the search. Kurapati also describes that a normalized score can be obtained by performing a linear mapping of the actual frequency to a value between zero and one.<sup>3</sup> Column 5, lines 3-33 of Kurapati describes that this can be done by either rounding the actual frequency of usage of the term up to the next increment of 0.2, or plotting a curve through various frequency count values. Thus, Kurapati does *not* describe a normalized use frequency normalized by dividing each use frequency of each contents in each respective group by a number of *all* the contents in the respective group delivered during a time period corresponding to a use history. In fact, Kurapati only counts the usage of attributes in search commands, and does not count contents delivered during a time period, much less dividing

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<sup>2</sup>See the outstanding Office Action at pages 6-7.

<sup>3</sup>See Kurapati, Figure 4 and related description.

each use frequency of each contents in each respective group by a number of ***all*** the contents in the respective group delivered during a time period. Accordingly, it is respectfully submitted that the proposed combination of Saito, Hane, and Kurapati does not teach or suggest “generating means” as defined in Claim 1. Consequently, Claim 1 (and Claims 2-12 and 16 dependent therefrom) is patentable over Saito in view of Hane and further in view of Kurapati.

Claims 13 and 14 recite in part:

generating user preference information indicating preferences of a user based on the use frequency calculated in said calculating, said generating including generating user preference information based on a normalized use frequency for each group, ***said normalized use frequency normalized by dividing each use frequency of each contents in each respective group by a number of all the contents in the respective group delivered during a time period corresponding to a use history.***

As noted above, Kurapati only describes a “normalized frequency” by either rounding the actual frequency of usage of the term up to the next increment of 0.2, or plotting a curve through various frequency count values. Kurapati fails to teach or suggest generating a normalized use frequency normalized by dividing each use frequency of each contents in each respective group by a number of all the contents in the respective group delivered during a time period corresponding to a use history. Thus, it is respectfully submitted that the proposed combination of Saito, Hane, and Kurapati does not teach or suggest “generating user preferences” as defined in Claims 13 and 14. Consequently, Claims 13 and 14 are also patentable over Saito in view of Hane and further in view of Kurapati.

Claim 17 recites in part:

a preference generating unit configured to generate user preference information indicating preferences of a user based on the use frequency calculated by said calculating unit, said preference generating unit configured to generate user preference information based on a normalized use frequency for each group, ***said normalized use frequency normalized by***

***dividing each use frequency of each contents in each respective group by a number of all the contents in the respective group delivered during a time period corresponding to a use history.***

As noted above, Kurapati only describes a “normalized frequency” by either rounding the actual frequency of usage of the term up to the next increment of 0.2, or plotting a curve through various frequency count values. Kurapati fails to describe a device that generates a normalized use frequency normalized by dividing each use frequency of each contents in each respective group by a number of all the contents in the respective group delivered during a time period corresponding to a use history. Thus, the proposed combination of Saito in view of Hane and further in view of Kurapati does not teach or suggest “a preference generating unit” as defined in Claim 17. Consequently, Claim 17 is also patentable over Saito in view of Hane and further in view of Kurapati.

With regard to the rejection of Claims 4-12 as unpatentable over Saito in view of Hane and Kurapati and further in view of Platt, it is noted that Claims 4-12 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Platt does not cure any of the above-noted deficiencies of Saito, Hane, and Kurapati. Accordingly, it is respectfully submitted that Claims 4-12 are patentable over Saito in view of Hane and Kurapati and further in view of Platt.

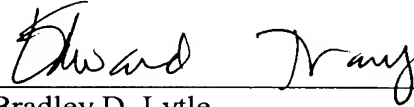
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Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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